

EXHIBIT B



Notice of Service of Process

null / ALL
Transmittal Number: 23213147
Date Processed: 05/18/2021

Primary Contact: Walgreens Distribution
Corporation Service Company- Wilmington, DELAWARE
251 Little Falls Dr
Wilmington, DE 19808-1674

Entity:	Walgreen Co. Entity ID Number 0501431
Entity Served:	Walgreen Co.
Title of Action:	Blanca Zaragoza vs. Walgreen Co.
Matter Name/ID:	Blanca Zaragoza vs. Walgreen Co. (11239591)
Document(s) Type:	Citation/Petition
Nature of Action:	Personal Injury
Court/Agency:	Bexar County District Court, TX
Case/Reference No:	2021CI08410
Jurisdiction Served:	Texas
Date Served on CSC:	05/17/2021
Answer or Appearance Due:	10:00 am Monday next following the expiration of 20 days after service
Originally Served On:	CSC
How Served:	Personal Service
Sender Information:	Howard E. Davis 210-738-8080

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

PRIVATE PROCESS

DELIVERED: 5/17/21
By: LM

Case Number: 2021CI08410

BLANCA ZARAGOZA VS WALGREEN CO ET AL

IN THE 225th District Court
BEXAR COUNTY, TEXAS

(Note: Attached Document May Contain Additional Litigants.)

CITATION

"THE STATE OF TEXAS"

Directed To: **WALGREEN CO.**, by serving its registered agent, Prentice Hall Corporation System

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org." Said ORIGINAL PETITION was filed on the **on this the 28th day of April, 2021.**

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 17th day of May 2021.

Howard E. Davis/Kelly K. Davis

ATTORNEY FOR PLAINTIFF

6655 FIRST PARK TEN BLVD SUITE 250
SAN ANTONIO, TEXAS 78213

Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: /s/ Ana Cortijo

Ana Cortijo, Deputy

BLANCA ZARAGOZA VS WALGREEN CO ET AL

Officer's Return

Case Number: 2021CI08410

Court: 225th District Court

I received this CITATION on the _____ day of _____, 20____ at _____ o'clock ____ M. and () executed it by delivering a copy of the CITATION with the attached ORIGINAL PETITION on the date of delivery endorsed on it to the defendant _____, in person on the _____ day of _____, 20____ at _____ o'clock ____ M. at _____ or () not executed because _____

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____, County, Texas

BY: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____
_____, County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, A.D., _____.

Declarant

CTH: 5/17/21 at 12:05 PM

FILED
4/28/2021 4:57 PM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Consuelo Gomez

JD

2021CI08410

CAUSE NO. _____

BLANCA ZARAGOZA,
Plaintiff,

v.

WALGREEN CO. and WALGREENS,
Defendants.

§
§
§
§
§
§
§

IN THE DISTRICT COURT

225TH

JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

COMES NOW, **BLANCA ZARAGOZA**, Plaintiff, in the above-styled and numbered cause, and files this her Original Petition, complaining of Defendants, **WALGREEN CO.** (hereinafter sometimes referred to as "**WALGREENS**") and **WALGREENS**, and for cause of action would respectfully show unto this Honorable Court as follows:

I.
DISCOVERY LEVEL

Pursuant to Rule 190.4, Texas Rules of Civil Procedure, discovery is intended to be conducted under a Level 3 discovery plan.

II.
PARTIES

Plaintiff, **BLANCA ZARAGOZA**, is a natural person residing in San Antonio, Bexar County, Texas. The last three numbers of her driver's license are 223 and the last three numbers of her social security number are 777.

Defendant, **WALGREEN CO.**, is a foreign for-profit corporation registered to do business in Texas, who owns and operates the **WALGREENS** store and property located at 14505 Northwest Military Highway, Shavano Park, Bexar County, Texas 78231 (also known as **WALGREENS – Store #3571**). Service of process may be effected by serving its registered agent, Prentice Hall Corporation System located at 211 E. 7th Street, Suite 620, Austin, Travis

County, Texas 78701, or any other place they may be found.

Defendant, **WALGREENS** (also known as WALGREENS – Store #3571) is a business located at **14505 Northwest Military Highway, Shavano Park, Bexar County, Texas 78231** and is being sued under common or assumed name under Texas Rules of Civil Procedure – Rule 28 and can be served through their Store Manager, Celena Quepons, at the business location.

III.
VENUE

Venue for this action lies in Bexar County, Texas, pursuant to Texas Civil Practices and Remedies Code, Annotated, Sections 15.001(b) and 15.002(1), on the basis that all or a substantial part of the events or omissions giving rise to the claim occurred in Bexar County, Texas.

IV.
CONDITIONS PRECEDENT

All conditions precedent to the filing of this cause of action by Plaintiff and the entry of judgment against Defendants for the full amount prayed for have been met and/or have occurred.

V.
ACTS OF AGENT FOR CORPORATE DEFENDANT

Whenever in this Petition it is alleged that **WALGREENS** did any act or thing or failed to do any act or thing, it is meant that their officers, agents, or employees of said designated corporation, respectively performed, participated in, or failed to perform such acts or things while in the course and scope of their employment or agency relationship with said Defendants.

VI.
FACTS

On or about April 30, 2019, Plaintiff, **BLANCA ZARAGOZA**, as a retail merchandiser for Hallmark, came upon the **WALGREENS** property located at 14505 Northwest Military

Highway, Shavano Park, Bexar County, Texas, 78231. This property is also known as WALGREENS – Store #3571. Plaintiff presented at **WALGREENS** in the course and scope of her employment as a retail merchandiser to display new stock that was mailed to this Walgreens store. When she arrived, she went to the photo lab to obtain her boxes, but her boxes were not there. The manager at the time of the incident, Victor (last name unknown), escorted her to the back of the store to check for her boxes. Her box was there and she picked it up. The box was long, but not heavy. She placed the box on her shoulder and began to carry it into the store. Suddenly and without warning, **BLANCA ZARAGOZA** fell violently on all fours as a result of tripping on hard plastic package bandaging that was left on the floor. As a result, **BLANCA ZARAGOZA** sustained significant injuries as further described below.

VII. **LIABILITY**

Plaintiff, **BLANCA ZARAGOZA**, would show that on or about April 30, 2019 that Defendant, **WALGREENS**, owned and/or controlled and/or maintained and/or managed the premises at 14505 Northwest Military Highway, Shavano Park, Bexar County, Texas 78231. Plaintiff, **BLANCA ZARAGOZA**, in the course and scope of her employment as a retail merchandiser for Hallmark, ENTERED Defendant's property in response to Defendant's invitation and for their mutual benefit.

A condition on Defendant's premises posed an unreasonable risk of harm. Specifically, hard plastic package bandaging was left on the floor in the back of the store. Defendant knew of or should have known of the hard plastic package bandaging on the floor. Defendant had a duty to use ordinary care and to ensure that the premises did not present a danger to Plaintiff. This duty includes the duty to inspect and the duty to warn or to cure. Defendant breached this duty

of ordinary care permitting such condition to exist and failing to warn Plaintiff of the dangerous condition on the floor by any means despite knowing of the condition or should have known of the condition with the exercise of ordinary care. In truth and in fact, the unreasonably dangerous condition which caused Plaintiff's injuries was created by Defendant's employees. Defendant's breach of duty proximately caused injuries to the Plaintiff more specifically alleged below.

VIII. **INJURIES**

As a direct and proximate result of Defendant's aforesaid negligence Plaintiff, **BLANCA ZARAGOZA**, suffered severe injuries to her knees, and body in general. Some of these injuries may be permanent and may abide with Plaintiff for a long time in the future, if not for her entire life. As a further result of the nature and consequences of her injuries, Plaintiff has suffered great physical and mental pain, suffering and anguish, and, in all reasonable probability, will continue to suffer in this manner for a long time into the future, if not for the balance of her natural life. Furthermore, Plaintiff missed a significant amount of time from work and was collecting worker's compensation, but, the worker's compensation benefits have stopped.

By reason of all of the above, Plaintiff has suffered losses and damages in an amount which is within the jurisdictional limits of this Court.

IX. **DAMAGES**

As a direct and proximate result of the negligent conduct of Defendants, Plaintiff **BLANCA ZARAGOZA**, has sustained and in all reasonable probability will sustain the following damages:

1. Past reasonable and necessary medical expenses;
2. Reasonable and necessary medical expenses which, in reasonable medical

probability, will be incurred in the future;

3. Physical pain and suffering in the past;
4. Physical pain and suffering which, in reasonable medical probability, will be incurred in the future;
5. Mental pain, suffering and anguish suffered in the past;
6. Mental pain, suffering and anguish which, in all reasonable medical probability, will be suffered in the future;
7. Physical impairment in the past;
8. Physical impairment which, in all reasonable medical probability, will be suffered in the future;
9. Loss of wage earning capacity in the past;
10. Loss of wage earning capacity in the future;
11. Pre-judgment interest;
12. Post-judgment interest.

X.
JURY DEMAND

Plaintiff demands a jury trial and has already tendered the appropriate fee.

XI.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that after hearing and trial by jury that she have judgment against the Defendants in a sum within the jurisdictional limits of this Court for monetary relief over \$250,00.00, but not more than \$1,000,000.00, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs; together with pre-judgment interest and post-judgment interest at the maximum rate allowed by law; costs of court; and, a demand for judgment for all the other relief to which the Plaintiff may show herself

justly entitled.

Respectfully submitted,

LAW OFFICE OF HOWARD E. DAVIS, P.C.

By: 

HOWARD E. DAVIS

State Bar No. 05497500

e-mail: irish-X@davislawsa.com

KELLY K. DAVIS

State Bar No. 24099668

e-mail: kelly@davislawsa.com

6655 First Park Ten Blvd., Suite 250

San Antonio, Texas 78213

Telephone: (210) 738-8080

Facsimile : (210) 738-8088

***Email: info@davislawsa.com**

***service by e-mail to this address only**

ATTORNEYS FOR PLAINTIFF